



Planning Proposal

74 South St Medowie &
66,68,70,72 South St (administrative component)
13 December 2016 (Council Report – Pre-Gateway)
PSC File 2016-02354



PORT STEPHENS
COUNCIL

SUMMARY

This planning proposal sets out the justification for proposed changes to planning controls to allow additional development on land at 74 South Street, Medowie. It also seeks to undertake an administrative mapping amendment for adjoining land to the east.

Subject land:	74 South Street (Lot 712 DP 1077195)
Subject land area:	2070m ²
Existing zoning and min. lot size:	R5 Large Lot Residential & 2,000m ²
Proposed zoning and min. lot size:	R2 Low Density Residential & 900m ²
Potential lot yield:	One additional (with development consent)
Additional administrative component:	Amend lot size map from 2,000m ² to 900m ² 66 South Street (Lot 5 DP 280007) 68 South Street (Lot 4 DP 280007) 70 South Street (Lot 3 DP 280007) 72 South Street (Lot 2 DP 280007)

The principal subject land is 74 South Street, a vacant and mostly cleared site of 2070m². It is surrounded residential development with 900m² lots at the eastern boundary. The aim is to facilitate the infill low density residential development (one into two lots). The proposal is low impact and consistent with the existing character of the immediate area. Environmental and drainage issues are suitable to be resolved at the development application stage. Streetscape character will be retained with the width of future lots consistent with the existing development directly opposite and adjoining to the east (see Figure 1 *Site Location*).

A further minor administrative component of the planning proposal is to amend the lot size map to 900m² for the adjoining land to the east (66, 68, 70a and 72 South St) to address an existing anomaly. These sites are already developed to a minimum area of 900m² however the lot size map shows a minimum lot size of 2,000m². No additional subdivision will be facilitated by the change (it is administrative only).

The location of the land is shown in Figure 1 *Site Location* and Figure 2 *Strategic Site Location*.

No additional supporting studies are proposed, with the exception of a potential bushfire threat assessment following referral to the Rural Fire Service. Any impacts (vegetation, drainage) are suitable to address at the development application stage.

Figure 1 Site Location



Figure 2 Strategic Site Location



PART 1 – Objective of the proposed Local Environmental Plan

The objectives of the planning proposal are to permit a two-lot subdivision in order to facilitate low density residential development at 74 South Street and to apply consistent minimum lot size provisions in the immediate area.

PART 2 – Explanation of the provisions to be included in proposed LEP

The objectives of this planning proposal will be achieved by the following amendments to LEP the mapping:

- Amending the Land Zoning Map to rezone 74 South Street (only) from R5 Large Lot Residential (**ATTACHMENT 2**) to R2 Low Density Residential in accordance with the Proposed Land Zoning Map (**ATTACHMENT 3**);
- Amending the Lot Size Map to change the minimum lot size for 74 South Street from 2,000m² (**ATTACHMENT 4**) to 900m² for 74 South Street (and additionally for 66, 68, 70, 72 South Street) in accordance with the Proposed Lot Size Map (**ATTACHMENT 5**); and
- Amending the Port Stephens Local Environmental Plan 2013 Height of Buildings Map (**ATTACHMENT 6**) to 9m for 74 South Street (only) in accordance with the Proposed Height Building Map (**ATTACHMENT 7**).

PART 3 – Justification for the Planning Proposal

SECTION A – Need for the Planning Proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal is not the direct result of any strategic study or report. The planning proposal is a minor infill site located within an urban growth area identified by the Medowie Planning Strategy.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to facilitate additional subdivision of 74 South Street at this time. Addressing the lot size anomaly of the adjoining land could potentially be deferred for a general amendment to the LEP.

Is there a community benefit?

There is minor community benefit from the planning proposal by the future provision of one additional allotment.

SECTION B – Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Hunter Regional Plan

The Hunter Regional Plan was released in late 2016. Although very minor in scale, the proposal is consistent with Goal 4 to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with Direction 21 to create a compact settlement including the following associated actions:

- Action 21.1 - Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages (the proposal is consistent with lots size immediately to the east);
- Action 21.2 - Focus development to create compact settlements in locations with established services and infrastructure (the proposal is for infill development with access to existing services);
- Action 21.4 - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values (the site is not within the drinking water catchment and does not have high environmental values);
- Action 21.6 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations (the proposal is for infill development that maintains the character of the character of the area); and
- Action 21.7 - Promote new housing opportunities in urban areas to maximise the use of existing infrastructure (the proposal balances existing character with better use of existing infrastructure).

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Port Stephens Community Strategic Plan

The planning proposal is consistent with Port Stephens Community Strategic Plan direction to balance the environmental, social and economic needs of Port Stephens for the benefit of present and future generations and the delivery program to provide strategic land use planning services.

Port Stephens Planning Strategy

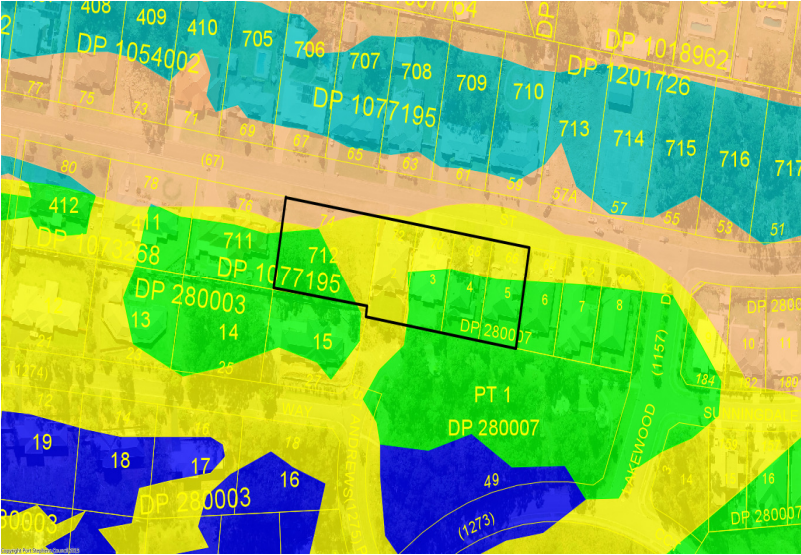
The planning proposal is consistent with the Port Stephens Planning Strategy which identifies Medowie as a priority infill and new release area. The planning proposal facilitates minor infill development.

Medowie Planning Strategy

The site is within an urban growth area for the purposes of the draft revised Medowie Planning Strategy. It is not specifically identified. Planning proposals for minor infill development are suitable for consideration on their own merit.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Table 1 Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
SEPP 44 – Koala Habitat Protection The relevant objectives of the CKPOM are to: evaluate and rank habitat throughout the LGA; identify priority conservation areas and strategies to protect significant habitat and populations; identify threats; provide for the long-term survival of populations by addressing conservation strategies to effectively address each of the threats; provide for restoration of degraded areas; ensure that adequate detail is provided with development applications in order to assess, minimise and ameliorate	The <i>Port Stephens Comprehensive Koala Plan of Management</i> (CKPOM) is applied in Port Stephens for the purposes of implementing SEPP 44. Assessment is that the CKPOM performance criteria for rezoning have limited practical application because of the infill location of the site and minimal vegetation on site and surrounding development. In any case, indicative Council koala habitat mapping from 2006 shows 'Preferred 100m Buffer over Marginal Habitat' (green) and '100m Buffer over Cleared Land' (yellow).  Preliminary assessment based is: <i>Not result in development within areas of preferred koala habitat;</i> No impact. <i>Allow only for low impact development within areas of Supplementary Koala Habitat and Habitat Linking Areas;</i> No impact. <i>Minimise the removal of any individual preferred koala food trees, where ever they occur on the site;</i> The type of trees on site has not been confirmed.

likely impacts; provide guidelines and development standards to protect koalas and habitat; provide for the effective implementation and monitoring of the CKPOM.	<i>d. Not result in development which would sever koala movement across the site generally and for minimising the likelihood of impediments to safe/unrestricted koala movement.</i> The site is already surrounded by residential development. Under the above circumstances and the characteristics of the site and surrounding development, any inconsistency with the CKPOM performance criteria for rezoning is minor. Any inconsistency of the planning proposal with the CKPOM performance criteria for rezoning is minor.
SEPP 55 – Remediation of Land This SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	This SEPP is relevant because the planning proposal seeks to identify land for minor additional development. The use of the site will remain consistent with the current zoning (i.e. residential). A single additional allotment (only) will be facilitated and the site is not identified on Council's contaminated land register. The planning proposal satisfies the provisions of this SEPP.

7. Is the planning proposal consistent with applicable Ministerial Directions?

Table 2 Relevant Ministerial Directions

Ministerial Direction	Consistency and Implications
2.1 Environment Protection Zones The objective of this direction is to conserve environmentally sensitive areas.	This direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. The planning proposal satisfies this direction because the site is not environmentally sensitive. The planning proposal is consistent with this direction.
2.3 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	This direction applies whenever a relevant planning authority prepares a planning proposal. It provides that a proposal must contain provisions that facilitate the conservation of environmental heritage and Aboriginal heritage. There are no items of European heritage on the site or listed in the LEP. Investigations into potential for indigenous heritage have not been undertaken by the proponent. Heritage can be managed through the existing planning instruments, legislation and regulations that apply to the land. The planning proposal is consistent with this direction.
3.1 Residential Zones The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs; make efficient use of infrastructure and services and ensure housing has access to infrastructure and services; minimise impact of residential development on the environment and resource lands.	This direction applies because the planning proposal affects land within an existing residential zone. The planning proposal is consistent with this direction because it will facilitate provision of a single additional lot on an infill site. It will make use of existing infrastructure and minimises impact on the environment. The planning proposal is consistent with this direction.

3.4 Integrating Land Use and Transport The objective of this direction is to ensure that development achieves the following objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and reduce dependence on cars; reducing travel demand including the number trips generated by the development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services.	This direction applies because the planning proposal will create a zone relating to urban land. The planning proposal is consistent with this direction because it seeks to provide infill development within an existing urban area. It will add to the use of existing transport infrastructure in the area and build upon its. The planning proposal is consistent with this direction.
3.5 Development Near Licensed Aerodromes The objectives of this direction are: to ensure the effective and safe operation of aerodromes; to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and to ensure development for residential purposes of human occupation, if situated within ANEF contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	This direction applies because Medowie is in proximity to RAAF Base Williamtown, Newcastle Airport and the Salt Ash Air Weapons Range. The site is not affected by the ANEF 2012 or 2025 maps – however land outside of ANEF contours can still be affected by aircraft noise and activities. Any inconsistency with this direction is minor and is suitable to be addressed at the development application stage because of the minor infill extent of additional development. Any inconsistency with this direction is minor.
4.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils.	The site is nominated as Class 5 soils, requiring consent for works within 500m of adjacent soil classes. This is the lowest risk classification. The issue will be managed through existing provisions of the LEP. The planning proposal is consistent with this direction.

4.4 Planning for Bushfire Protection The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	This direction applies because part of the site is mapped as bushfire prone. The direction provides that, in the preparation of a planning proposal, the relevant planning authority must consult with the Commissioner of the RFS following receipt of a Gateway Determination, and prior to undertaking community consultation, and take into consideration any comments so made. A bushfire threat assessment has not been undertaken. This issue is appropriately addressed subdivision and dwelling application stages. It is proposed to refer the planning proposal to the RFS following a gateway determination, and prior to public exhibition, to seek confirmation whether a bushfire threat assessment is relevant at this time. Consistency of the planning proposal with this direction will be confirmed by referral to the RFS.
5.1 Implementation of Regional Strategies The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	This direction refers to the Lower Hunter Regional Strategy which has recently been replaced by the Hunter Regional Plan. The planning proposal is consistent with the relevant goal of the Hunter Regional Plan to create greater housing choice and jobs, including for new housing to be focused in established areas through infill development. It is consistent with the relevant direction to create a compact settlement and the associated actions. The planning proposal is consistent with this direction.

SECTION C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is little or no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal. There are a small number of native trees on site within an established residential area.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects as a result of the planning proposal.

10. Has the planning proposal adequately addressed any social and economic effects?

There are limited or no social and economic effects because of the single additional lot yield.

SECTION D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Reticulated sewer and water infrastructure is available consistent with existing surrounding urban development. This issue appropriately addressed at the development application stage.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is only proposed to undertake consultation with the RFS regarding bushfire threat.

Part 4 - Mapping

The proposed mapping amendments to the LEP are included as attachments.

Part 5 - Details of Community Consultation

Community consultation will be undertaken in accordance with the gateway determination. It is proposed to exhibit the planning proposal for 14 days (low-impact proposal) and to notify in writing the adjoining landowners and those landowners affected by the administrative component (66, 68, 70, 72 South St).

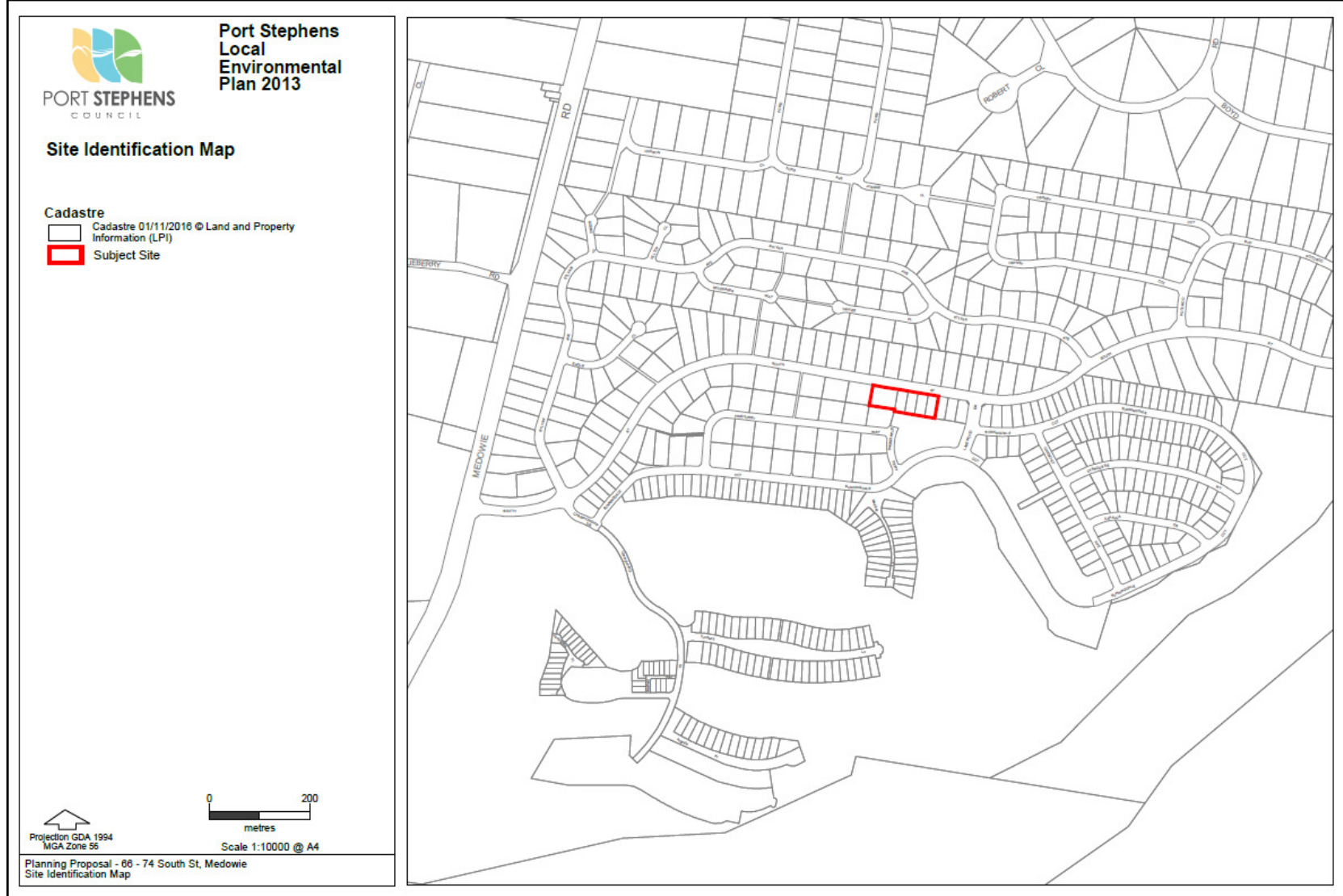
Notice of the public exhibition period will be placed in the local newspaper and exhibition material will be made available on Council's website and during normal business hours at Council's Administration Building in Raymond Terrace.

Part 6 – Project timeline

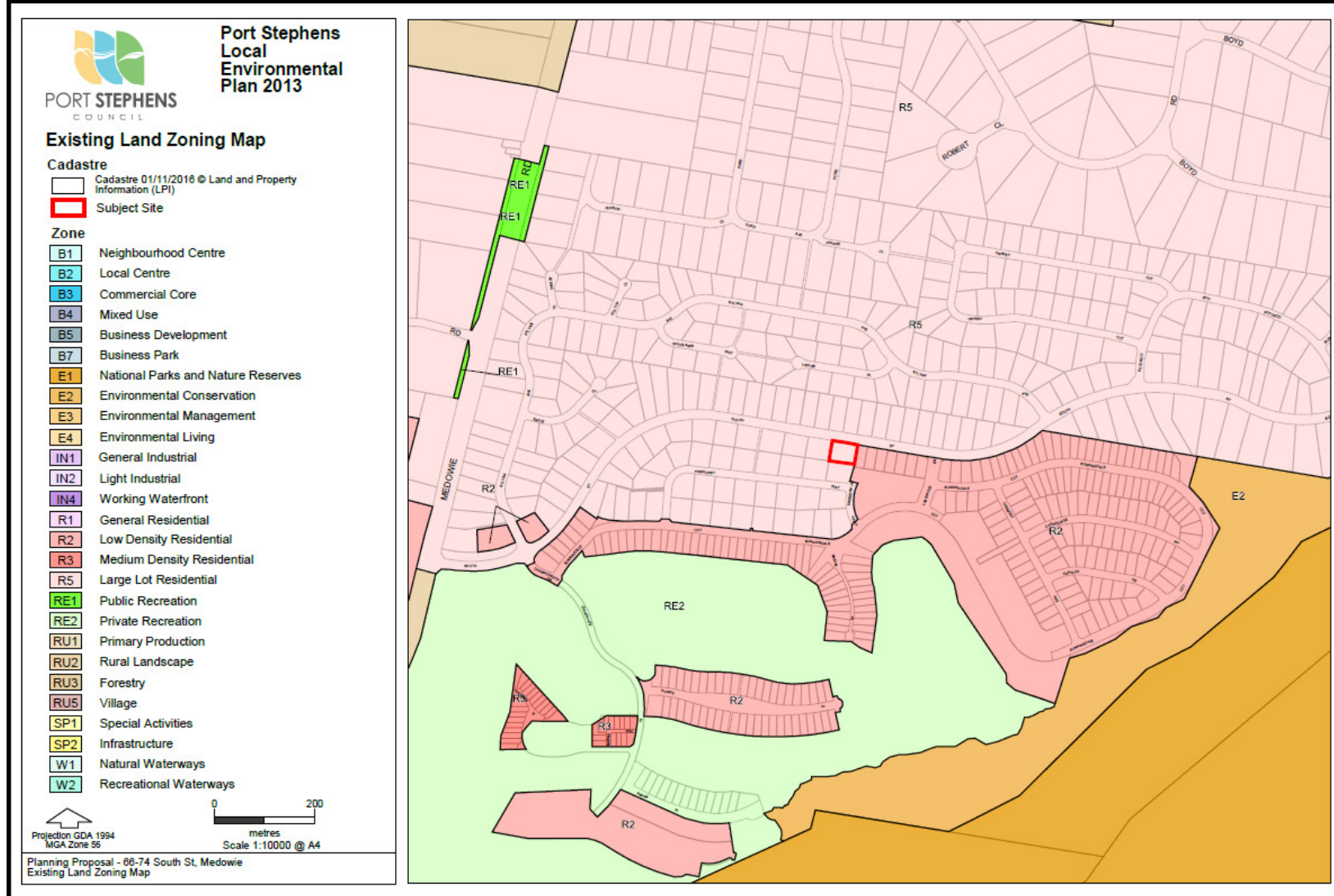
The following timetable is proposed:

	Dec 2016	Jan 2017	Feb 2017	Mar 2017	April 2017	May 2017	June 2017	July 2017	Aug 2017	Sept 2017	Oct 2017	Nov 2017
<i>Council Report</i>												
<i>Gateway Determination</i>												
<i>Agency Consultation</i>												
<i>Public Exhibition</i>												
<i>Review Submissions</i>												
<i>Council Report</i>												
<i>Parliamentary Counsel</i>												

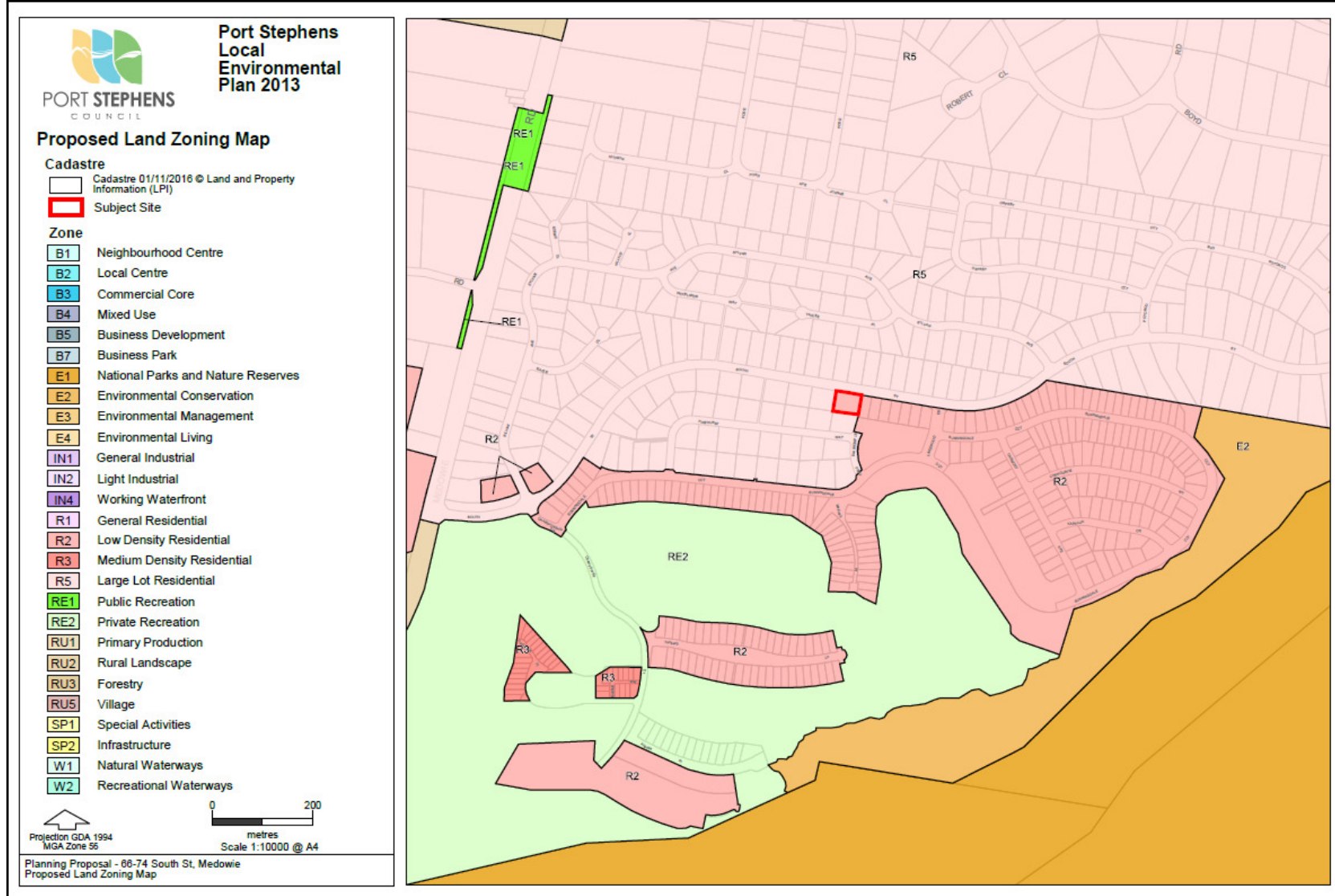
Attachment 1 - Site Identification Map



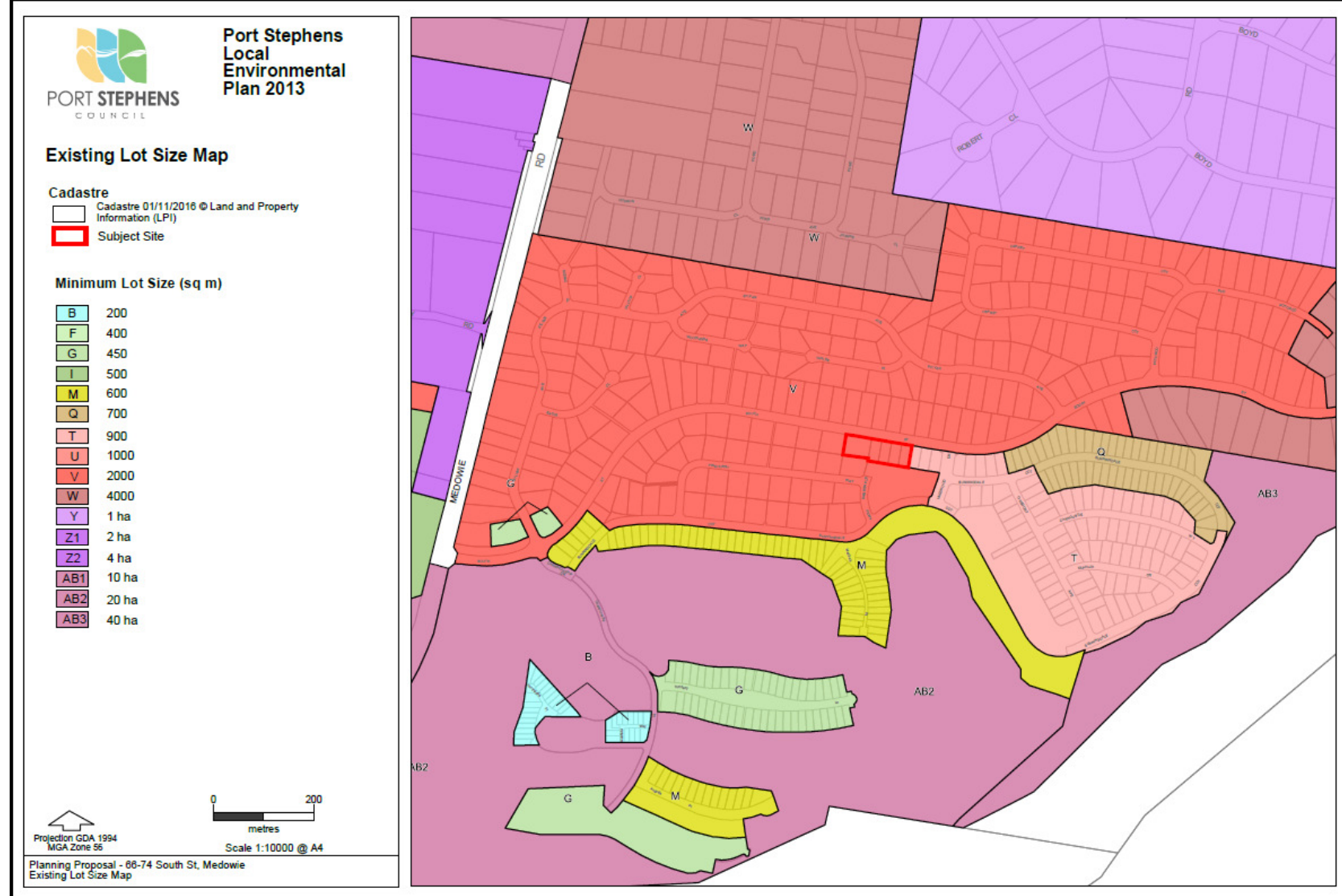
Attachment 2 - Existing Land Zoning Map



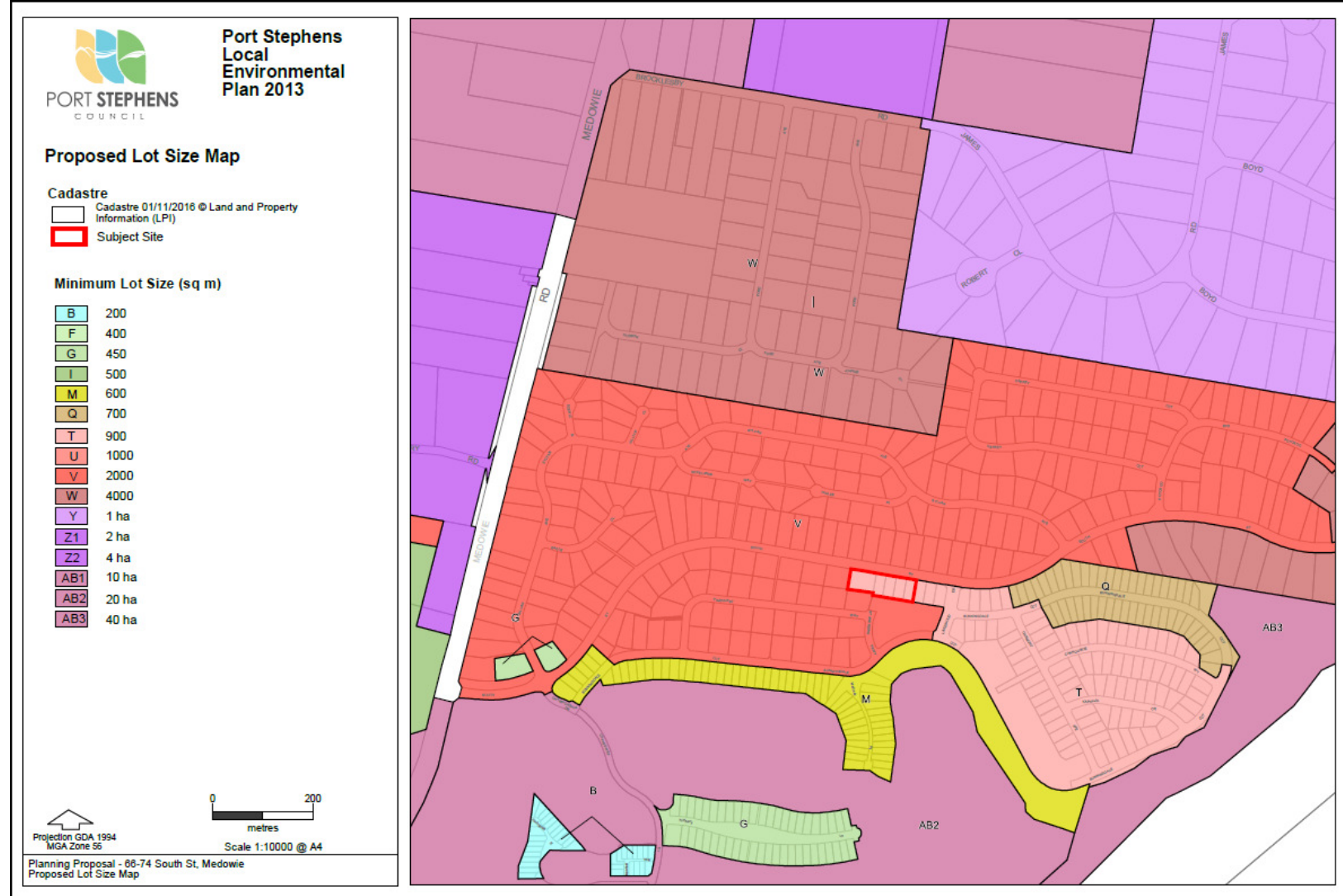
Attachment 3 - Proposed Land Zoning Map



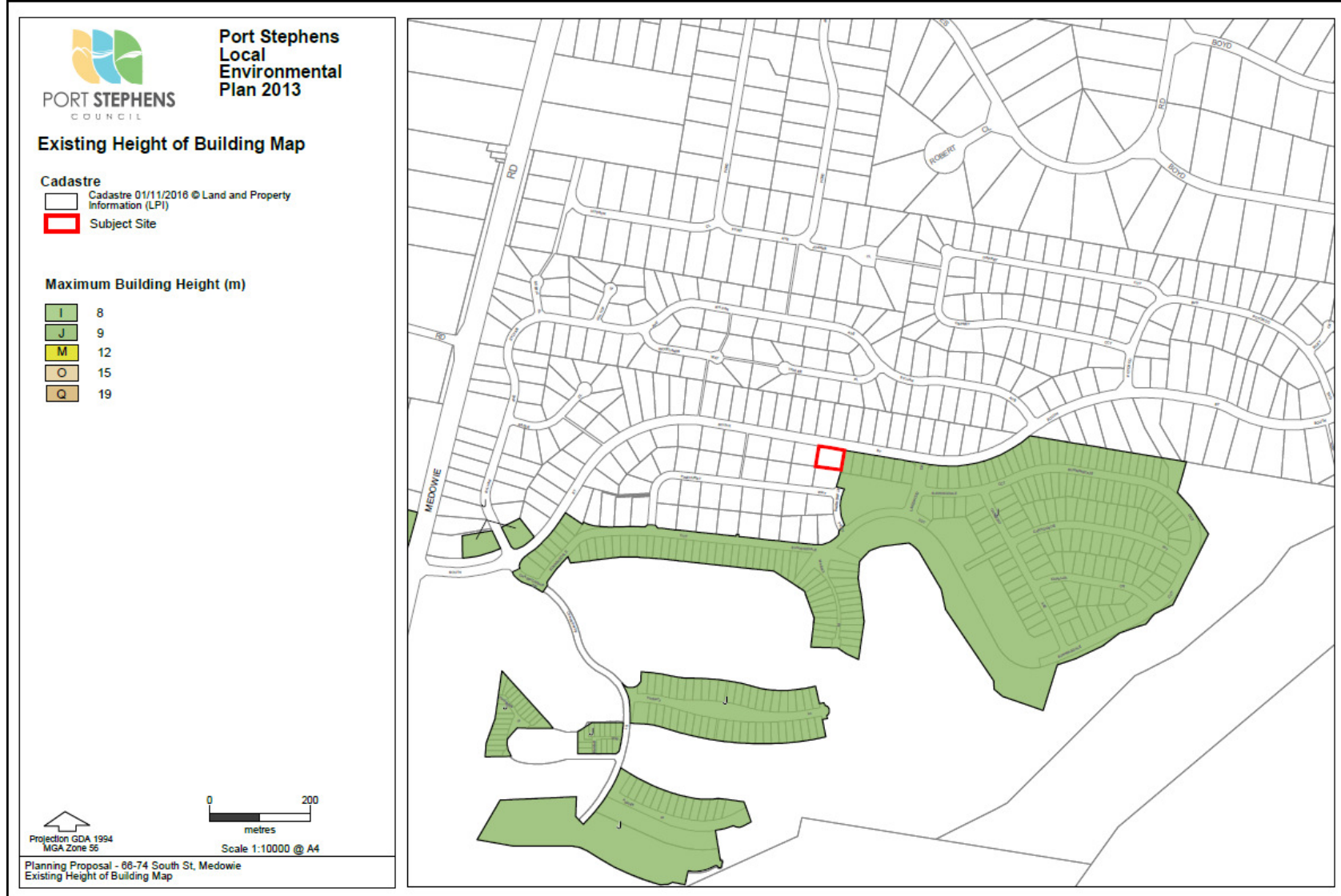
Attachment 4 - Existing Lot Size Map



Attachment 5 - Proposed Lot Size Map



Attachment 6 – Existing Height of Building Map



Attachment 7 - Proposed Height of Building Map

